?IN THE HIGH COURT OF JUDICATURE AT MADRAS
%DATED: 06/09/2006
*CORAM
THE HONOURABLE MR. JUSTICE P.SATHASIVAM
+C.M.A. No.2563 of 2006
#Managing Director of Tamil Nadu State Transport Corporation
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
$Minor Thenmozhi
xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
!FOR PETITIONER : A.Babu
^FOR RESPONDENT : S.S.Swaminathan
:ORDER

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2006

CORAM

THE HONOURABLE MR. JUSTICE P.SATHASIVAM

C.M.A. No.2563 of 2006
&
MP No.1 of 2006

The Managing Director of Tamil Nadu State Transport Corporation
Limited, Coimbatore. .. Appellant

Vs.

Minor Thenmozhi @ Poongodi,
rep. by guardian Arukkani
5/548, Srinagar,
Pichampalayam,
Tiruppur. .. Respondent

Civil Miscellaneous Appeal filed under Section 173 of Motor Vehicles Act against the award dated 05.09.2005 made in M.A.C.T.O.P.No.1373 of 2000 on the file of Motor Accident Claims Tribunal (Additional District Judge, Fast Track Court No.IV), Coimbatore at Tiruppur.

For Appellant : Mr.A.Babu
For Respondents : Mr.S.S.Swaminathan

JUDGMENT

Aggrieved by the award of the Motor Accidents Claims Tribunal (Additional District Judge, Fast Track Court No.IV), Coimbatore at Tiruppur dated 05.09.2005 made in M.A.C.T.O.P.No.1373 of 2000, the Tamil Nadu State Transport Corporation Limited, Coimbatore has filed this appeal.

2. In respect of grievous injuries sustained in an accident that took place on 03.09.2000, the respondent herein-claimant through her guardian prayed for a compensation of Rs.5,00,000/-. The Tribunal, on appreciation of oral and documentary evidence, has passed an award of Rs.58,140/- with interest at 7.5%. Questioning the same, the Transport Corporation has filed this appeal.

3. The respondent is represented by the counsel.

4. Learned counsel for the appellant fairly states that they are aggrieved only with regard to quantum determined by the Tribunal. In such circumstances, there is no need to go into the finding regarding negligence.

5. The wound certificate Ex.P3 refers the age of the injured as 12. In the evidence of PW1, she has stated that at the time of the accident, her daughter was studying in VII standard and according to her, she is a brilliant student. Ex.P4 discharge summary shows that the injured-claimant had taken treatment from 3.09.2000 to 15.09.2000 as in-patient. She underwent surgery on 03.09.2000. Skin grafting was also done. Ex.P5 series of medical bills show that the claimant spent Rs.18,140.86 towards medical expenses. The Doctor, who assessed her disability, was examined as PW2. X-ray has been marked as Ex.P6. PW2-Doctor, in his evidence, has stated that due to crush on the left leg, skin grafting was done and he has also noted the fracture on the left ribs 3, 4 and 5 and for that, treatment was also given and the movement of left leg was restricted and he assessed her disability to the extent of 19.40%. The disability certificate was marked as Ex.P7. Though the Tribunal has applied multiplier method and fixed the compensation of Rs.33,750/- for disability and for the treatment taken by the claimant , taking note of the fact that at the tender age of 12, she sustained fracture on her ribs and undergone surgery, I am of the view that the amount of Rs.33,750/- awarded for disability cannot be said to be either excessive or unreasonable. Apart from this, the Tribunal has granted Rs.250/- towards transport expenses; Rs.1,000/- towards nutritious food; Rs.5,000/- towards mental agony and pain and suffering; Rs.18,140.86 towards medical bills, altogether awarded a sum of Rs.58,140/- as compensation.

6. Considering the fact that the injured claimant is aged about 12 years at the time of the accident and studying in VII Standard and considerable amount has been spent towards medical expenses, I am of the view that the amount awarded by the Tribunal is just and reasonable and no valid ground for interference. Accordingly, Civil Miscellaneous Appeal fails and the same is dismissed. No costs. Consequently, M.P.No.1 of 2006 is also dismissed.

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To

1.The Motor Accident Claims Tribunal
(Additional District Judge),
Fast Track Court No.IV,
Coimbatore at Tiruppur.

2. The Record Keeper,
VR Section,
High Court,
Madras.

[PRV/7887]

S.S.Swaminathan